

Article 3. Development Review Procedures

3.1 General Approval Procedures

A. Conformity with Unified Development Ordinance (UDO) and the Comprehensive Plan

The provisions of this UDO and the Comprehensive Plan shall apply to and be binding on any and all persons, firms, or corporations who singly or jointly seek to develop, redevelop, or otherwise change existing land within the corporate limits of the City of College Station and, where applicable, its extraterritorial jurisdiction (ETJ). Compliance with the UDO and the Comprehensive Plan includes the dedication and construction of identified infrastructure, right-of-way or improvement of specified facilities including but not limited to sidewalks, bikeways, thoroughfares, etc.

B. Preapplication Conference

Prior to the submission of an application required by this UDO, a preapplication conference with the Development Staff may be required as follows:

1. Mandatory Conference

A mandatory Preapplication Conference with the Development Staff to discuss procedures, standards, or regulations shall be required for:

- a.** Development permits with areas of special flood hazard;
- b.** Design district site plans;
- c.** Development plats;
- d.** Master Plans;
- e.** Conditional use permits;
- f.** Zoning map amendments (rezonings); and
- g.** Concept plans (PDD and P-MUD zoned properties).

2. Optional Conference

A Preapplication Conference is optional for all other applications. Applicants are encouraged to schedule and attend an optional Preapplication Conference with the Development Staff prior to submitting any application.

3. Submittal Requirements

The Administrator may require the applicant to submit information prior to the Preapplication Conference to allow staff time to review the proposal.

C. Application Forms and Fees

The following regulations shall apply to all applications:

1. Forms

Applications required under this UDO shall be submitted on forms, with any requested information and attachments, and in such numbers, as required by the City, including any checklists for submittals. The Administrator shall have the authority to request any other pertinent information required to ensure compliance with this UDO.

2. Electronic Submission Required

All plats and site plans shall be prepared and submitted upon request in an electronic form acceptable to the Administrator and compatible with the City's Geographic Information System (GIS).

3. Fees

- a. Filing fees shall be established from time-to-time by resolution of the City Council for the purpose of defraying the actual cost of processing the application.
- b. All required fees shall be made payable to "The City of College Station."
- c. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to any notification, review, or action taken, shall be entitled to a refund of 50 percent of the total amount paid upon written request to the City. The filing fee required for text or map amendments shall not be refundable.
- d. The Administrator may waive or reduce development-related fees on a case-by-case basis. The following criteria may be used by the Administrator to evaluate such requests:
 - (1) The applicant is not financially able to pay the fees.
 - (2) The City is requesting a change to the approved plat.

D. Application Deadline

All applications shall be completed and submitted to the Administrator in accordance with a schedule established annually by the City. An application shall not be considered officially submitted until it has been determined to be complete in accordance with the following paragraph.

E. Application Completeness

An application shall be considered submitted only after the Administrator has determined it is complete, if it is provided in the required form, includes all mandatory information (including all exhibits), and is accompanied by the applicable fee. A determination of application completeness shall be made by the official responsible for accepting the application within five days of application filing. If an application is determined to be incomplete, the official responsible for accepting the application shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 30 days, the application shall be null and void and the application fee forfeited.

F. Required Public Notice

1. Summary of Notice Required

Notice shall be required for development review as shown in the following table.

Application Type	Published	Mailed	Agenda Posted
Comprehensive Plan Amendment	X		X
Zoning Map Amend. (Rezoning)	X	X	X
UDO Text Amendment	X		X
Conditional Use Permit	X	X	X
Subdivision - Replats*	X*	X*	X
Design District - Site Plan/Bldg.			X
Variances	X	X	X
Appeals – Site Plan & Driveway			X
Waiver – Subdivision Design			X
Waiver – Buffer Requirements			X
Administrative Appeals	X		X

* Only when required per the Local Government Code.

2. Specific Notice Requirements

a. Published Notice

A Public Hearing Notice shall be placed by the Administrator at least once in the official newspaper of the City not less than 15 calendar days prior to the meeting for the purpose of notifying the public of the time and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.

b. Mailed Notice

A notice of public hearing shall be sent to owners of record of real property, as indicated by the most recently approved municipal tax roll, within 200 feet of the parcel under consideration. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in U.S. mail at least ten (10) days prior to the date set for the public hearing.

c. Content of Notice

A published or mailed notice shall provide at least the following specific information:

- (1)** The general location of land that is the subject of the application;
- (2)** The substance of the application, including the magnitude of proposed development and the current zoning district;
- (3)** The time, date, and location of the public hearing; and
- (4)** A phone number to contact the City.

3. Public Hearing Signs

For the purpose of notifying the public, the Administrator may require the installation of a sign on the property prior to the public hearing. The specifications including size, location, and content of public hearing signs shall be established by the Administrator.

4. Required Public Hearings

The following table illustrates the types of review requiring a public hearing and the review body responsible for conducting the hearing.

Application Type	Zoning Board of Adjustment	Planning and Zoning Commission	City Council
Comprehensive Plan Amendment		X	X
Zoning Map Amendment (Rezoning)		X	X
UDO Text Amendment		X	X
Conditional Use Permit		X	X
Subdivision*		X	
Variances	X		
Administrative Appeals	X		

* Only when required per the Local Government Code.

G. Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this UDO, the applications for those development approvals may, at the option of the Administrator, be processed simultaneously, so long as the approval procedures for each individual application can be completed pursuant to the requirements of this UDO. Such processing shall occur at the applicant's own risk.

H. Appeals

An appeal of any final decision shall be filed with the appropriate entity within 30 days of the decision by the Administrator or the applicant. If no appeal is filed within 30 days, the decision shall be final.

3.2 Zoning Map Amendment (Rezoning)

A. Purpose

To establish and maintain sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be in accordance with the Comprehensive Plan, which may be amended according to the procedure in Section 3.19, Comprehensive Plan Amendment.

B. Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application

A complete application for a zoning map amendment shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees. Application requests for a Planned Development District (PDD) shall provide the following additional information:

1. A written statement of the purpose and intent of the proposed development; and
2. A list and explanation of the potential land uses permitted.

D. Approval Process

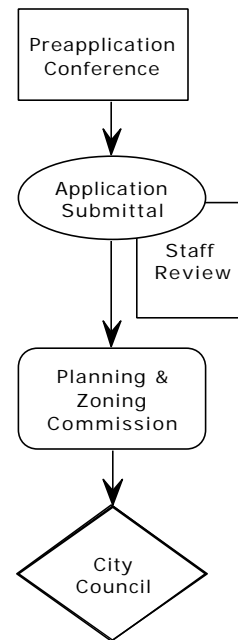
1. Preapplication Conference

Prior to the submission of an application for a Zoning Map Amendment, all potential applicants shall request a Preapplication Conference with the Administrator. The purpose of the conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO.

If the Administrator determines that the map amendment request is not in conformity with the Comprehensive Plan, he shall not accept the application for the map amendment, and no further processing shall occur until the map amendment is in conformity or a request for an amendment to the Comprehensive Plan eliminating the lack of conformity has been submitted by the applicant.

2. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing.



3. Referral To Planning and Zoning Commission

The Administrator, upon receipt of petition to amend the Official Zoning Map, shall refer the same to the Commission for study, hearing, and report. The City Council may not enact the proposed amendment until the Planning and Zoning Commission makes its report to the City Council.

4. Recommendation by Planning and Zoning Commission

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with Section 3.1.F, Required Public Notice. The Commission shall hold a public hearing and recommend to the City Council such action as the Commission deems proper.

5. City Council Action

a. Notice

The City Council shall publish, post, and mail public notice in accordance with Section 3.1.F, Required Public Notice, and hold a public hearing before taking final action on a petition to amend the Official Zoning Map.

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Official Zoning Map.

c. Effect of Protest to Proposed Amendment

If a proposed change to this UDO or rezoning is protested in accordance with Chapter 211 of the Texas Local Government Code, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the owners of at least 20 percent of either the area of lots covered by the proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

d. Review Criteria

In determining whether to approve, approve with modifications, or disapprove the proposed Official Zoning Map amendment, the City Council shall consider the following matters regarding the proposed amendment:

- (1)** Consistency with the Comprehensive Plan;
- (2)** Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (3)** Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment;
- (4)** Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment;
- (5)** Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment; and
- (6)** Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use.

E. Limitation on Reapplication

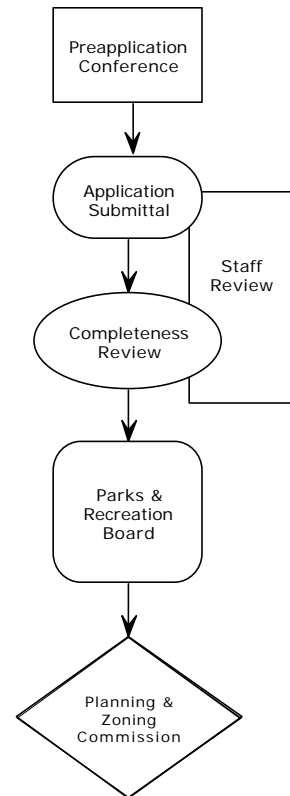
If a petition for rezoning is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of 180 days from the date of denial, unless the Planning and Zoning Commission finds that one of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities and intensities); or
4. The final decision on the application was based on a material mistake of fact.

3.3 Subdivision Plat Review

A. Applicability

1. Subdivision approval shall be required (except as exempted under the Texas Local Government Code) before any of the following activities occur:
 - a. The division of land (for any purpose) into two or more parcels;
 - b. Development of a platted property where right-of-way for an identified future or additional right-of-way for an existing thoroughfare has been identified by the Comprehensive Plan;
 - c. Development on a parcel not previously legally platted; or
 - d. Development that involves the construction of any public improvements that are to be dedicated to the City.
2. A plat shall not be required where City or State action such as expansion of street right-of-way occurs.
3. Any person who proposes the development of a tract of land within the City limits or the extraterritorial jurisdiction of the City of College Station must have a Development Plat of the tract prepared in accordance with this Section. New development may not begin on the property until the Development Plat is filed with and approved by the City. When an applicant is required to file a Preliminary or Final Subdivision Plat by other requirements of this Section, a Development Plat is not required in addition to the Subdivision Plat.



B. Unlawful to Record Plat Without Approval

It shall be unlawful to offer and cause to be recorded any Plan, Plat, or Replat of land within the City limits or extraterritorial jurisdiction of College Station at the Office of the County Clerk unless the same bears the endorsement and approval of the Planning and Zoning Commission or the Administrator as provided for in this UDO.

C. Filing of Plat and Application

For the purposes of this section, the date of formal filing shall be determined as the date in which the applicant submits a Plat that meets all of the terms and conditions of this UDO or has filed a variance request to those sections. Once a Plat has been formally filed with the City it will be scheduled for review by the Administrator and/or the Planning and Zoning Commission.

D. Platting in Planned Development Districts (PDD and P-MUD)

If the subject property is zoned as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the Design Review Board may approve a Concept Plan that provides for general modifications to the site development standards. The general modifications shall be indicated on the approved Concept Plan. The Administrator shall determine the specific standards that comply with the general modifications of the subdivision standards at the time a plat is approved. The applicant or the Administrator may have the Design

Review Board determine the specific standards that comply with the approved Concept Plan.

E. Application

1. A complete application for subdivision review shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees. The signatures of all owners of land within the boundary of the Development Plat, Master Development Plan, or Preliminary or Final Plat, shall be required on the application.
2. An application fee shall be submitted with the Plat or Replat as required by Section 3.1.C, Application Forms and Fees.
3. All Plats shall be submitted upon request in an electronic form acceptable to the Administrator and compatible with the City's Geographic Information System (GIS).
4. If the Administrator determines that the Subdivision Plat is not in conformity with the Comprehensive Plan or the Master Development Plan, he shall not accept the application for the Subdivision Plat and no further processing shall occur until the Subdivision Plat is in conformity or a request for an amendment to the Comprehensive Plan eliminating the lack of conformity has been submitted by the applicant. The determination that the Subdivision Plat is not in compliance with the Comprehensive Plan may be appealed to the Planning and Zoning Commission.

F. Development Plat Review

1. Applicability

The City of College Station chooses to be covered by Subchapter B, "Regulation of Property Development," Chapter 212 of the Texas Local Government Code.

2. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed Plat in light of the Comprehensive Plan and give a report to the Planning and Zoning Commission.

3. Review and Recommendation by Parks and Recreation Board

The Parks and Recreation Board shall review the Development Plat for compliance with the parkland dedication requirements in Article 8, Subdivision Design and Improvements, and recommend approval, approval with conditions, or disapproval of the same.

4. Review and Action by Planning and Zoning Commission

The Planning and Zoning Commission shall approve a Development Plat if the Plat conforms to:

- a. The City's Comprehensive Plan;
- b. The City's current and future streets, sidewalks, alleys, parks (land dedication and development fees), playgrounds, and public utility facilities; and
- c. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.

G. Minor Subdivision Plat Review

1. Procedure

A Minor or Amending Subdivision Plat shall be approved provided that it conforms to all requirements of these regulations.

2. Review and Action by Administrator

- a. When filed, the Minor Plat shall also be accompanied by certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision.
- b. Within 15 days after a Minor or Amending Plat is formally filed, the Development Engineer shall recommend approval, approval with conditions, or denial of such Plat to the Administrator.
- c. The Administrator shall approve, approve with conditions, or forward the plat to the Planning and Zoning Commission. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.
- d. If forwarded to the Planning and Zoning Commission, the Commission shall approve, disapprove, or conditionally approve the Plat within 30 days of the Administrator's decision. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

3. Recordation

If favorable action has been taken by the Administrator or the Planning and Zoning Commission, the Minor or Amending Plat becomes the instrument to be recorded at the Office of the County Clerk when all requirements and conditions have been met.

H. Major Subdivision Plat Review

1. Master Plan Review

a. Applicability

A Master Plan that complies with the City's Comprehensive Plan is required for all subdivisions to be developed in more than one phase and containing more than 50 acres of land or more than 100 residential lots.

b. Review and Recommendation by Administrator

The Administrator shall review the Master Plan application and recommend approval, approval with conditions, or disapproval of the same. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

c. Review and Recommendation by Parks and Recreation Board

The Parks and Recreation Board shall review the Master Plan for compliance with the parkland dedication requirements in Article 8, Subdivision Design and Improvements, and recommend approval, approval with conditions, or disapproval of the same. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

d. Review and Action by Planning and Zoning Commission

- (1)** The applicant will be advised of the date set for Planning and Zoning Commission consideration.
- (2)** Within 30 days after the Master Plan is formally filed with the City, the Planning and Zoning Commission shall approve, disapprove, or conditionally approve the plan with modifications. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled.
- (3)** Approval or conditional approval of a Master Plan shall be effective for 24 months from the date of such action, unless reviewed by the Planning and Zoning Commission in light of new or significant information which would necessitate a revision, in which case the Commission shall inform the subdivider in writing. The Commission may modify or revoke the approved Plan after a public hearing in light of new or significant information.
- (4)** If a Preliminary Plat is not submitted within 24 months of the effective date of approval, the Planning and Zoning Commission may, upon written application of the subdivider, extend the approval in increments of 12-month time periods upon demonstration of substantial progress and the lack of changed or changing conditions in the area.
- (5)** Approval of a Master Plan shall not constitute approval of the Preliminary Plat. Application for approval of the Preliminary Plat will be considered only after the requirements for Plan approval as specified herein have been fulfilled and after all other specified conditions have been met.
- (6)** Upon approval of the Plan by the Planning and Zoning Commission, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the Preliminary Plat.

2. Preliminary Plat Review

a. Applicability

A major subdivision final plat may be filed without filing a preliminary plat if all the requirements of preliminary and final plat are complied with on the final plat. All plats must be in compliance with the approved Master Plan and the City's Comprehensive Plan.

b. Oversize Participation

At the time of Preliminary Plat, an applicant may request oversize participation on any infrastructure, as provided in Article 8, Subdivision Design and Improvements. In order to do so, impact studies covering the particular infrastructure must be submitted justifying the request for oversize. These studies shall indicate what size infrastructure is necessary to serve the proposed development as shown on an approved Master Plan or Preliminary Plat. If the City's Comprehensive Plan calls for infrastructure in excess of that required for the proposed development, the applicant may request participation for this additional size. The City Council shall consider and approve, conditionally approve, or disapprove oversize participation requests.

c. Review and Recommendation by Administrator

The Administrator shall review the Preliminary Plat application and recommend approval or disapproval of the same.

d. Review and Recommendation by Parks and Recreation Board

The Parks and Recreation Board shall review the Preliminary Plat application for compliance with the parkland dedication requirements of Article 8, Subdivision Design and Improvements, and recommend approval, approval with conditions, or disapproval of the same. Once the Board has determined compliance, subsequent plats may proceed directly to the Planning and Zoning Commission.

e. Review and Action by Planning and Zoning Commission

- (1)** The applicant will be advised of the date set for Planning and Zoning Commission consideration.
- (2)** Within 30 days after the Preliminary Plat is formally filed with the City, the Planning and Zoning Commission shall approve, disapprove, or conditionally approve the Plat with modifications. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.
- (3)** Approval or conditional approval of a Preliminary Plat shall be effective for 24 months from the date of such action.
- (4)** If a Final Plat is not submitted within 24 months of the effective date of approval, the Planning and Zoning Commission may, upon written application of the subdivider, extend the approval for a one-time additional 12-month period.
- (5)** Each Final Plat of a phase on an approved Preliminary Plat shall extend the expiration date of the Preliminary Plat an additional one year from the date the Final Plat was approved by the City.
- (6)** Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Application for approval of the Final Plat will be considered only after the requirements for Preliminary Plat approval as specified herein have been fulfilled and after all other specified conditions have been met.
- (7)** Upon approval of the Preliminary Plat by the Planning and Zoning Commission, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the Final Plat.

3. Final Plat and Replat Review

The Final Plat shall conform to the Preliminary Plat as approved by the Planning and Zoning Commission, provided it incorporates all changes, modifications, corrections, and conditions imposed by the Planning and Zoning Commission; and provided further, that it conforms to all requirements of these regulations and the City's Comprehensive Plan.

a. Procedure

The Final Plat will not be considered unless a Preliminary Plat has been filed and approved, except in the case of dedication of land for the sole purpose of a street, park, drainage easements, or, the Plat is exempt under Section 3.3.H.2.a, Preliminary Plat Review - Applicability.

b. Review and Recommendation

The Administrator shall review the Final Plat application and recommend approval or disapproval of the same.

c. Review and Action by Planning and Zoning Commission

- (1)** When filed, the Final Plat shall also be accompanied by certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision.
- (2)** When the Final Plat, together with the accompanying data and construction documents, and the application for approval is received by the Administrator, it will be processed in the same manner as the Preliminary Plat.
- (3)** Within 30 days after the Final Plat is formally filed, the Planning and Zoning Commission shall approve, disapprove, or conditionally approve such Plat. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

d. Recordation

If favorable action has been taken by the Planning and Zoning Commission, the Final Plat becomes the instrument to be recorded in the Office of the County Clerk when all requirements and conditions have been met. The construction documents when duly signed by the Development Engineer are authority to proceed with the construction of streets and utilities. Nothing in the procedure authorizes construction on private property.

I. Waivers

The Planning and Zoning Commission may approve, approve with conditions, or disapprove waivers of the standards in Article 8, Subdivision Design and Improvements, prior to or concurrent with the platting process.

3.4 Concept Plan Review (PDD and P-MUD Districts)

A. Applicability

A Concept Plan shall be required prior to any development of property zoned Planned Development District (PDD) or Planned Mixed-Use District (P-MUD).

B. Application Requirements

A complete application for a Concept Plan shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees, unless otherwise specified in this Section.

C. Concept Plan Approval Process

1. Preapplication Conference

Prior to submitting a Concept Plan, an applicant shall attend a preapplication conference in order to avail himself of the advice and assistance of the City staff.

2. Review and Report by the Parks and Recreation Board

If the proposed area involves any required or voluntary parkland dedication, the Concept Plan must be reviewed by the Parks and Recreation Board. Parks and Recreation Board recommendations shall be forwarded to the Design Review Board.

3. Review and Report by the Greenways Program Manager

If the proposed area includes a greenway as shown on the Greenways Master Plan, or if the applicant is proposing voluntary greenway dedication or sale, the concept plan must be reviewed by the Greenways Program Manager. The Greenways Program Manager's recommendation shall be forwarded to the Design Review Board.

4. Review and Recommendation by the Administrator

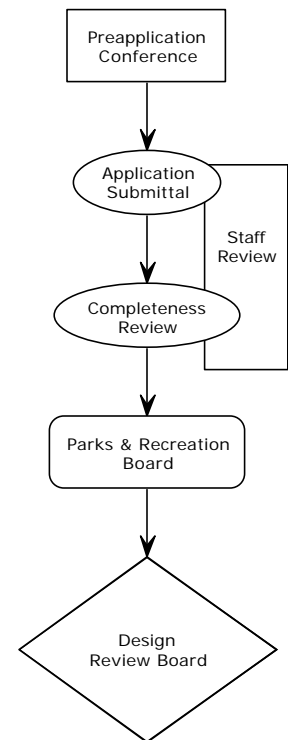
The Administrator shall review the Concept Plan and recommend approval, approval with conditions, or disapproval of the same.

5. Design Review Board Final Action

The Design Review Board shall review the Concept Plan and approve, approve with conditions, or disapprove.

D. Concept Plan Requirements

1. A Concept Plan shall not be considered or reviewed as a complete site plan application. The Concept Plan for the proposed development shall include the following:
 - a. A general plan showing the location and relationship of the various land uses permitted in the development;
 - b. A range of future building heights;
 - c. A written statement addressing the drainage development of the site;
 - d. The general location of detention/retention ponds and other major drainage structures;



- e. A list of general bulk or dimensional variations sought;
- f. If general bulk or dimensional variations are sought, provide a list of community benefits and/or innovative design concepts to justify the request;
- g. The general location of parking areas;
- h. Open spaces, parkland, conservation areas, greenways, parks, trails and other special features of the development; and
- i. Buffer areas or a statement indicating buffering proposed.

E. Review Criteria

The Administrator shall recommend approval and the Design Review Board shall approve a Concept Plan if it finds that the Plan meets the following criteria:

1. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;
2. The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section;
3. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development;
4. Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association;
5. The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities;
6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity; and
7. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

F. Minimum Requirements

Unless otherwise indicated in the approved concept plan, the minimum requirements for each development shall be those stated in this UDO for subdivisions and the requirements of the most restrictive standard zoning district in which designated uses are permitted. Modification of these standards may be considered during the approval process of the Concept Plan. If modification of these standards is granted with the Concept Plan, the Administrator will determine the specific minimum requirements.

G. Compliance with Other Regulations

The approval of a Concept Plan shall not relieve the developer from responsibility for complying with all other applicable sections of this UDO and other codes and ordinances of the City of College Station unless such relief is granted in the approved concept plan.

H. Owners Association Required

An owners association will be required if other satisfactory arrangements have not been made for providing, operating, and maintaining common facilities including streets, drives, service and parking areas, common open spaces, buffer areas, and common recreational areas at the time the development plan is submitted. If an owners association is required, documentation must be submitted to the City at the time of platting to assure compliance with the provisions of this UDO.

I. Modifications

Any deviations from the approved Concept Plan, shall require Design Review Board approval except as provided for below.

J. Minor Amendment to Concept Plan

Minor additions and modifications to the approved Concept Plan meeting the criteria below may be approved by the Administrator:

1. Minor additions to structures as determined by the Administrator;
2. Minor new accessory structures if the location does not interfere with existing site layout (e.g., circulation, parking, loading, storm water management facilities, open space, landscaping, buffering);
3. Minor additions to parking lots;
4. An increase of 25 percent of the total number of dwelling units for residential developments as long as the maximum allowable density shown on the Land Use Plan is not exceeded;
5. Clearing or grading of areas not depicted on the concept plan as a conservation area, greenway, or park; and
6. Final determination of the specific meritorious modifications such as setbacks, lot size, dimensional standards, etc., granted generally as part of the Concept Plan.

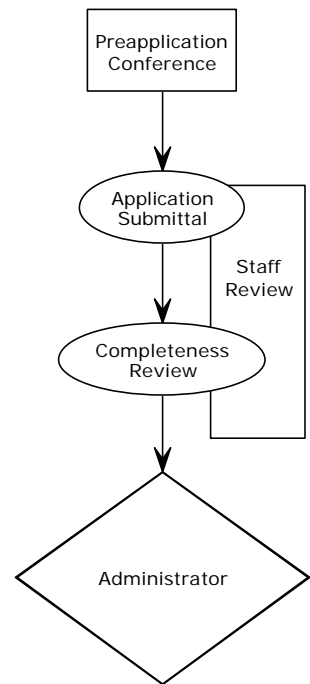
K. Expiration of Approval

The Concept Plan shall expire within 24 months of the date approved by the Design Review Board. A final, one-time extension of twelve months may be granted by the Administrator upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

3.5 Site Plan Review

A. Applicability

1. Prior to development of any use or structure other than single-family (excluding Manufactured Home Parks), duplex, or townhouse residential development, a site plan shall be approved by the City in accordance with this Section.
2. No development described in paragraph 1 above shall be lawful or permitted to proceed without final site plan approval. A site plan approved as part of a conditional use permit shall be considered a site plan approval.
3. If the subject property is zoned as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the Design Review Board may approve a Concept Plan that provides for general modifications to the site development standards. The general modifications shall be indicated on the approved Concept Plan. The Administrator shall determine the specific standards that comply with the general modifications of the site development requirements at the time a site plan is approved. The applicant or the Administrator may have the Design Review Board determine the specific standards that comply with the approved Concept Plan.



B. General Requirements

All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site plan approval must be met at the time of development.

C. Application Requirements

A complete application for site plan approval shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees. The application shall include a landscape plan illustrating compliance with the requirements of Section 7.5, Landscaping and Tree Protection.

D. Site Plan Approval Process

Site plan review applications shall be processed in accordance with the following requirements:

1. Preapplication Conference

Prior to the submission of an application for site plan approval, all potential applicants may request a preapplication conference with the Administrator. The purpose of the conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO; however, they do not fulfill the requirements for formal review or submittal as set forth in this UDO.

2. Final Action by the Administrator

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, the Administrator shall approve or conditionally approve the site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan and notice of such disapproval shall be given to the applicant in writing. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

E. Site Plan Review Criteria

The Administrator may request changes to the site plan to accomplish the following requirements. In order to be approved, a site plan must provide for:

- 1.** Safe and convenient traffic control, handling, and vehicle queuing;
- 2.** Assured pedestrian safety which may include the provision of sidewalks along the perimeter of the property;
- 3.** Efficient and economic public utilities;
- 4.** Public road or street access;
- 5.** Safe and efficient internal access including public, private, or emergency;
- 6.** Adequate parking and maneuvering areas;
- 7.** Noise and emission control or dispersion that complies with Chapter 7, Health and Sanitation, of the City's Code of Ordinances;
- 8.** Runoff, drainage, and flood control;
- 9.** Visual screening of areas offensive to the public or adjacent developments such as detention areas, retaining walls, utilities and solid waste facilities;
- 10.** Compliance with standards, guidelines, and policies of the City's adopted Streetscape Plan referenced in Article 8, Subdivision Design and Improvements;
- 11.** Clear indication of what constitutes the building plot for purposes of signage; and
- 12.** Location and density of buildings or dwellings where topography or characteristics of the site compel a lower density than would otherwise be allowed, or require location consistent with accepted engineering practices and principles.

F. Appeal

Appeals of site plans denied by the Administrator where the denial was based upon the site plan review criteria in Section 3.5.E, Site Plan Review Criteria, or appeal of a site plan condition imposed to assure compliance with the criteria in 3.5.E, Site Plan Review Criteria, may be submitted to the Design Review Board within 30 days of the decision. The Design Review Board shall have the same authority as the Administrator in reviewing the site plan and taking final action. The Board may impose reasonable conditions to mitigate the impacts of the development; however, they shall not impose architectural changes unless otherwise provided for in this UDO. If no appeal is filed within 30 days, the decision shall be final.

G. Expiration of Approval

An approved site plan, including those approved prior to the effective date of this UDO, shall expire twelve months from the date of approval unless the proposed development is pursued as set forth below:

1. A building permit has been issued and remains valid.
2. In a phased development where more than one building is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within 12 months from the date the site plan approval is granted. Each subsequent application must be submitted within 12 months from the date of issuance of a certificate of occupancy for the previous building. The lapse of more than 12 months shall cause the expiration of site plan approval. A final, one-time extension of 180 days may be granted by the Administrator upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

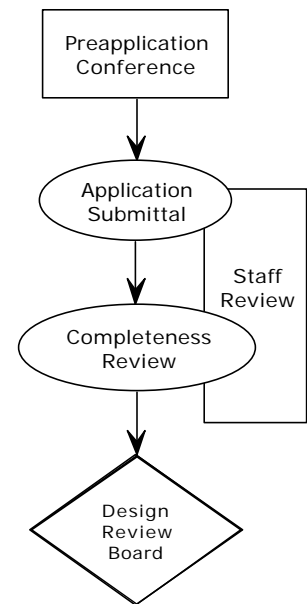
3.6 Design District Site Plan Review

A. Applicability

1. Design Districts

a. Northgate Districts

- (1) Prior to any development in any Northgate district (NG-1, NG-2, NG-3) or Wolf Pen Creek district (WPC) excluding minor additions such as storage buildings, fencing and the like, an applicant must obtain design district site plan approval under this Section.
- (2) All requests for a change of solid waste disposal must obtain approval under this Section. New solid waste containers shall meet the requirements of this UDO.
- (3) In reviewing a project, the Design Review Board may require traffic and parking impact studies, a review of existing occupancy, and other reasonable data to determine the impact of the project.



2. Design District Site Plan Review Required

No private development shall be lawful or permitted to proceed without final design district site plan approval. Minor additions such as storage buildings, fencing, change of solid waste disposal, landscaping, and the like, may be approved by the Administrator. Design district site plan approval shall be required for all site plans as part of a conditional use permit.

3. General Requirements

- a. All improvements reflected on approved site plans must be constructed at the time of development.
- b. All associated rehabilitation, façade work, and other construction must be conducted subsequent to and in compliance with approved elevations, colors, and materials. Such review may take place concurrent with the site plan review, or may take place separately, as provided in Section 3.8, Development Permit.
- c. All terms and conditions of site plan approval must be met at the time of development.

B. Application Requirements

A complete application for site plan approval shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees. The application shall include a landscape plan illustrating compliance with the requirements of Section 7.5, Landscaping and Tree Protection (except in NG-1, NG-2 and NG-3 as referenced in Article 5.6.B, Northgate Districts).

C. Design District Site Plan Approval Process

Design district site plan review applications shall be processed in accordance with the following requirements:

1. Preapplication Conference

Prior to the submission of an application for design district site plan approval, all potential applicants shall request a preapplication conference with the Administrator as required in Section 3.1.B, Preapplication Conference.

2. Review and Report by the Administrator

If the proposed design district site plan is determined to be consistent with all applicable provisions of this UDO, the City's Comprehensive Plan, and the Northgate Revitalization Plan or the Wolf Pen Creek Master Plan, or if the plan is recommended for denial or conditional approval, the Administrator shall report such consistency, inconsistency, or proposed conditions to the Design Review Board.

3. Review by the Design Review Board

The Design Review Board shall review the design district site plan in a public meeting and may approve, approve with conditions or deny the application. Notice shall be provided by publication of the agenda of the meeting.

4. Final Action by the Design Review Board

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of Section 5.6, Design Districts, and the review criteria below, the Design Review Board shall approve the design district site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan.

D. Design District Minor Additions Approval Process

Minor additions to a site include storage buildings, fencing, change of solid waste disposal, painting, landscaping, porches, awnings, non-load bearing canopies, and the like. All site plan review applications for minor additions shall be processed in accordance with the following requirements:

1. Review by the Administrator

The Administrator shall review the design district site plan for a minor addition and may approve, approve with conditions, or deny the site plan. The Administrator may also forward the site plan to the Design Review Board for any reason.

2. Final Action by the Administrator

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, the City's Comprehensive Plan, and the Northgate Revitalization Plan or the Wolf Pen Creek Master Plan, including the applicable district provisions of Section 5.6, Design Districts, Use Standards, and the review criteria below, the Administrator shall approve the design district site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan.

E. General Site Plan Review Criteria

In order to be approved, a site plan must provide for:

1. Safe and convenient traffic control, handling, and vehicle queuing;
2. Assured pedestrian safety which may include the provision of sidewalks along the perimeter of the property meeting the specifications for same as outlined in Article 8, Subdivision Design and Improvements, relative to width and placement;
3. Efficient and economic public utility and sanitation access;
4. Public road or street access;
5. Satisfactory internal access including public, private, and emergency;
6. Adequate parking and maneuvering areas;
7. Noise and emission control or dispersion that complies with Chapter 7, Health and Sanitation, of the City's Code of Ordinances;
8. Visual screening of trash receptacles or other areas offensive to the public or existing adjacent development;
9. Runoff, drainage, and flood control;
10. Visual screening from the right-of-way of parking lots;
11. Compliance with standards, guidelines, and policies of the City's adopted Streetscape Plan; and
12. Determination and clear indication of what constitutes the building plot for purposes of this UDO.

F. Additional Review Criteria for WPC Districts

The following standards, which affect the appearance of a development, shall govern the evaluation of a design submission in WPC districts:

1. Conformance to the City's Comprehensive Plan;
2. Exterior space utilization;
3. Material selection;
4. Compatibility with existing development in the design district;
5. Vehicular, pedestrian, and bicycle circulation;
6. Building location and orientation; and
7. Specific standards listed in Sections 5.6.A, Wolf Pen Creek Corridor.

G. Additional Review Criteria for Northgate Districts

1. Conformance to the City's Comprehensive Plan and such Northgate Redevelopment Plan as adopted by City Council;
2. Vehicular, pedestrian, and bicycle circulation;
3. Specific standards listed in Section 5.6.B, Northgate Districts.

H. Expiration of Approval

An approved design district site plan, including those approved prior to the effective date of this UDO, shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:

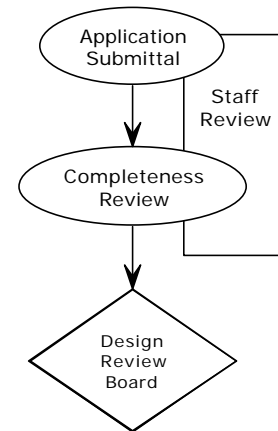
1. Work that does not require a building permit (such as a parking lot) has commenced.
2. A building permit has been issued and remains valid.

3. In a phased development where more than one building is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within 12 months from the date the site plan is approved. Each subsequent application must be submitted within 12 months from the date of issuance of a certificate of occupancy for the previous building. The lapse of more than 12 months shall cause the expiration of site plan approval. A final, one-time extension of 180 days may be granted by the Administrator upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

3.7 Design District Building and Sign Review

A. Applicability

1. In the design districts (including the WPC, NG-1, NG-2 and NG-3 districts), all substantial maintenance (including but not limited to rehabilitation, façade work, and, change of exterior materials or other construction, including the replacement or alternation of signs) shall be subject to the design district building and sign review process.
2. Minor maintenance or alterations such as storage buildings, porches, awnings, non-load bearing canopies, and the like shall be reviewed by the Administrator.



B. Application

A complete application for building or sign review in a design district shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees.

C. Final Action by Design Review Board

1. Public Meeting

The Design Review Board shall conduct design district review in a public meeting. Notice shall be provided by publication of the agenda of the meeting.

2. Design Review

The Board shall apply the standards for the applicable district as set forth in Section 5.6, Design Districts, and approve, conditionally approve, or disapprove the building and sign materials and colors as specifically required in Section 5.6.A, Wolf Pen Creek Development Corridor and Section 5.6.B, Northgate Districts. In considering such matters, the Design Review Board may rely on special area plans or studies adopted by the City Council.

3. Written Decision

If approval is granted, the decision shall be communicated in writing to the applicant.

D. Expiration and Lapse of Approval

An approved design district building or sign plan, including those approved prior to the effective date of this UDO, shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:

1. A building permit has been issued and remains valid.
2. In a phased development where more than one building is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within 12 months from the date the site plan is approved. Each subsequent application must be submitted within 12 months from the date of issuance of a certificate of occupancy for the previous building. The lapse of more than 12 months shall cause the expiration of site plan approval. A final, one-time extension of 180 days may be granted by the Administrator upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

3.8 Development Permit

A. Applicability

A development permit shall be required prior to any development, as defined in Article 11, Definitions, to ensure conformance to the provisions and requirements of this UDO. The following uses shall be exempt from the permitting requirements of this Section, but shall otherwise meet all of the requirements of this UDO and the City's Drainage Policy and Design Standards:

1. Customary and incidental grounds maintenance, landscaping, and gardening.
2. Drainage-related improvements or modifications by a homeowner on property used as their principal residence where that property lies outside of the designated Area of Special Flood Hazard.
3. Uses by a landowner of their property for bona fide agricultural purposes.

B. Approval Process

Prior to the issuance of a development permit, the following requirements shall be met:

1. Preapplication Conference

A preapplication conference shall be held with the Development Engineer, or his designated representative, if the property contains areas of special flood hazard as set forth in Section 3.1.B, Preapplication Conference.

2. Application

A complete application for a development permit shall be submitted to the Development Engineer as set forth in Section 3.1.C, Application Forms and Fees.

3. Review and Action by the Development Engineer

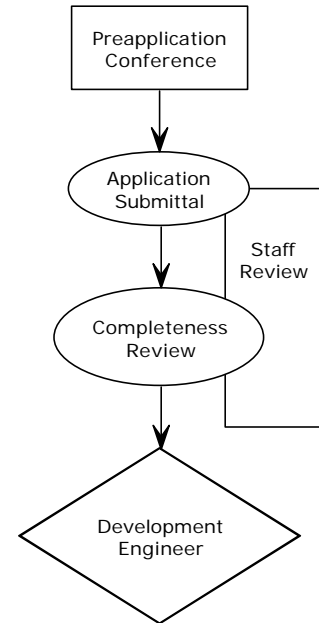
The Development Engineer shall review the required information and application form and shall take one of the following actions:

- a. Approve the development permit;
- b. Disapprove the development permit;
- c. Approve the development permit with conditions; or
- d. Require additional information or an engineering conference with the applicant or his engineer.

4. Review Criteria

Approval or denial of a development permit by the Development Engineer shall be based on the following relevant factors:

- a. The danger to life or property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;



- d. The compatibility of the proposed use with existing and anticipated development;
- e. The maintenance and operational costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- f. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site;
- g. The necessity to the facility of a waterfront location, where applicable;
- h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- i. The barricading of existing trees to remain on the property and count as protected trees under Section 7.5, Landscaping and Tree Protection; and
- j. Compliance with this UDO.

5. Notification of Decision

- a. The applicant shall be notified in writing of the action prescribed above. If the development permit has been disapproved, the specific reasons for disapproval shall be indicated in the notification. If additional information is required of the applicant, the specific requirements shall be indicated in the notification. A final determination of the approval or disapproval of the development permit, considering the additional information, shall be made and written notification to the applicant given within ten working days after acceptance of the complete application.
- b. Any proposal which includes areas of special flood hazard within the following special drainage areas shall receive written notice of approval or disapproval of the development permit from the Development Engineer within 60 working days after receipt of the proposal:
 - (1) The entirety of Carter's Creek;
 - (2) The main channel of Lick Creek;
 - (3) Wolf Pen Creek from the Earl Rudder Freeway to the confluence with Carter's Creek; and
 - (4) The Brazos River.

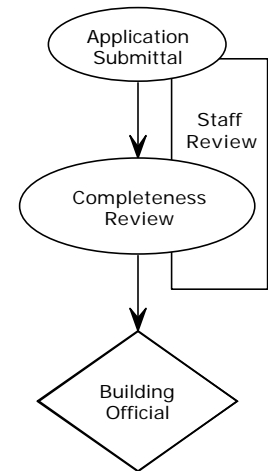
C. Expiration of Approval

A development permit within an area of special flood hazard issued by the Development Engineer shall become invalid unless the work authorized by it shall have been completed within 12 months after its issuance. The Development Engineer may authorize an extension of a development permit upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

3.9 Building Permit

A. Building Permit Required

No building or other structure shall hereafter be erected, moved, added to, or structurally altered without a permit issued by the Building Official except in conformity with the provisions of this section, unless directed by the Zoning Board of Adjustment or the Construction Board of Appeals as provided by this UDO. No Building Permit issued under the provisions of this Article for land use or construction in the City shall be considered valid unless signed by the Building Official.



B. Application for Building Permit

1. Applications for Building Permits for single-family, duplex, or townhouse structures shall be accompanied by two (2) sets of complete plans, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration, easements, and required setbacks.

Applications for multi-family and commercial structures shall be accompanied by three (3) sets of complete plans, drawn to scale, including the approved site plan as required in Section 3.5, Site Plan Review.

Additional sets of plans shall be supplied to the Building Official upon request.

2. The application shall include such other information as lawfully may be required by the Building Official or the Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this UDO.
3. One copy of the plans shall be returned to the applicant by the Building Official after he shall have marked such copy either as approved, approved with conditions, or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, and the associated site plan shall be retained by the Building Official.
4. Where applicable, applicants shall submit information and materials required in Section 7.5, Landscaping and Tree Protection.

C. Review and Recommendation

The Building Official shall review all building permit applications to determine if intended uses, buildings, or structures comply with all applicable regulations and standards, including this UDO, and approve or disapprove the same.

D. Review and Action by Building Official

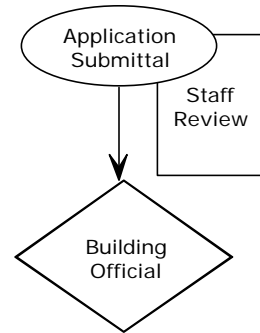
1. The Building Official shall make a final determination of whether the intended uses, buildings, or structures comply with all applicable regulations, standards, and the building code. The Building Official shall not issue a building permit unless the plans, specifications, and intended use of such building or structures or part thereof conform in all respects to the provisions of this UDO and the building code.
2. If the subject property is zoned as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the Design Review Board may approve a Concept Plan that provides for general modifications to the site development standards. The general modifications shall be indicated on the approved Concept Plan. The Administrator shall determine the specific standards that comply with the general modifications of the site development requirements at the time of building permit. The applicant or the Administrator may have the Design Review Board determine the specific standards that comply with the approved Concept Plan.

3.10 Certificate of Occupancy

A. Applicability

A certificate of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or enlarged;
2. Change in use of an existing building to a different Use Category; or
3. Any change in a nonconforming use or structure.



B. Application

An application for a certificate of occupancy shall be filed with the Building Official when a structure or use is ready for use or occupancy.

C. Review and Recommendation

The Administrator shall review all certificate of occupancy applications and approve or disapprove the same.

D. Review and Action by Building Official

Upon the filing of a complete application for a certificate of occupancy, the Building Official shall inspect the use or structure. If the Building Official determines that the use or structure complies with all applicable provisions of the building code and this UDO, a certificate of occupancy shall be issued.

E. Temporary Certificate of Occupancy

Pending the issuance of a permanent certificate of occupancy, a temporary certificate of occupancy may be issued. The temporary certificate of occupancy shall be valid for a period established by the Building Official, pending completion of an addition or during partial occupancy of a structure.

F. Unlawful to Occupy Without Valid Certificate of Occupancy

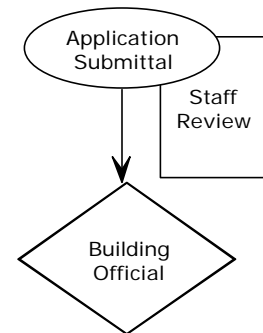
It is unlawful to occupy any building that does not have a valid certificate of occupancy or temporary certificate of occupancy.

3.11 Certificate of Completion

A. Applicability

A certificate of completion shall be required for any of the following:

1. Use of a parking lot hereafter constructed or enlarged not in conjunction with a building or structure;
2. Site changes including but not limited to landscaping, parking lots, façade changes in a design district, or a change to an existing site that is not done in conjunction with a building or structure that requires a building permit;
3. Site improvements associated with a telecommunications tower; or
4. As determined by the International Building Code.



B. Application

An application for a certificate of completion shall be filed with the Building Official when a structure or use is ready for occupancy.

C. Review and Recommendation

The Administrator shall review all certificate of completion applications and approve or disapprove the same.

D. Review and Action by Building Official

Upon the filing of a complete application for a certificate of completion, the Building Official shall inspect the use or structure. If the Building Official determines that the use or structure complies with all applicable provisions of the building code and this UDO, a certificate of completion shall be issued.

E. Temporary Certificate of Completion

Pending the issuance of a permanent certificate of completion, a temporary certificate of completion may be issued. The temporary certificate of completion shall be valid for a period established by the Building Official, pending completion of an addition, or during partial occupancy of a structure.

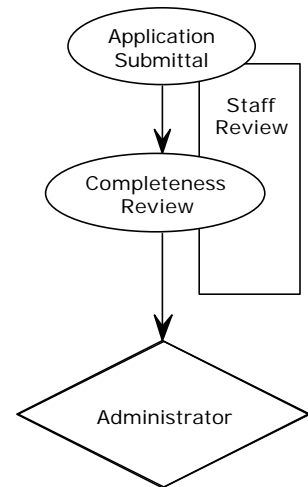
F. Unlawful to Occupy Without Valid Certificate of Completion

It is unlawful to occupy or utilize any structure or use that does not have a valid certificate of completion or temporary certificate of completion.

3.12 Sign Permit

A. Sign Permits Required

1. No sign shall hereafter be installed, erected, moved, added to, or structurally altered without a permit issued by the Administrator, except in conformity with the provisions of this Section, unless he is so directed by the Zoning Board of Adjustment as provided by this UDO.
2. A permit shall be required for the following:
 - a. Apartment/condominium/manufactured home park identification signs;
 - b. Attached signs;
 - c. Development signs;
 - d. Freestanding signs;
 - e. Low profile signs;
 - f. Roof signs; and
 - g. Subdivision and area identification signs.
3. No permit shall be required for the following signs:
 - a. Real estate, finance, and construction signs;
 - b. Directional traffic control signs;
 - c. Home occupation signs; and
 - d. Noncommercial signs.
4. It shall be the responsibility of the owner or the leasing agent to assign the available freestanding or building sign square footage to individual building tenants. In no case shall this be the responsibility of the Administrator. In no case may the cumulative total of individual signs for a multi-tenant building exceed the allowable area available for attached or freestanding signs.



B. Application

A complete application for a sign permit plan shall be submitted to the Building Official as set forth in Section 3.1.C, Application Forms and Fees.

C. Review and Action by the Administrator

The Administrator must review each sign permit application in light of this UDO and act to approve, approve with conditions, or deny the permit. The Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with this UDO.

D. Maintenance and Repair

Cleaning, painting, repainting, and other normal maintenance and repair of a sign shall not require a permit unless a structural or size change is made. Maintenance includes replacement of a sign face. Repainting or replacement of materials in a design district must receive approval of either the Administrator or the Design Review Board as provided in Section 3.7, Design District Building and Sign Review.

Repair of conforming signs, damaged as a result of accidents or acts of God, shall be exempt from permit fees when they are being restored to their original condition.

3.13 Conditional Use Permit

A. Purpose

Conditional use permit review allows for City Council discretionary approval of uses with unique or widely-varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDO.

B. Applicability

Conditional uses are generally compatible with those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, density and intensity, and may require the imposition of additional conditions in order to ensure the appropriateness and compatibility of the use at a particular location.

C. Applications

A complete application for a conditional use permit shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees. A complete site plan must accompany all applications for a conditional use permit.

D. Approval Process

1. Preapplication Conference

Prior to the submission of an application for a conditional use permit, all potential applicants shall request a preapplication conference with the Administrator. The purpose of the conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO.

2. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed development subject to the criteria enumerated in Section E below, and give a report to the Planning and Zoning Commission on the date of the scheduled Public Hearing.

3. Planning and Zoning Commission Recommendation

a. Notice

The Planning and Zoning Commission shall publish, post, and mail notice in accordance with Section 3.1.F, Required Public Notice.

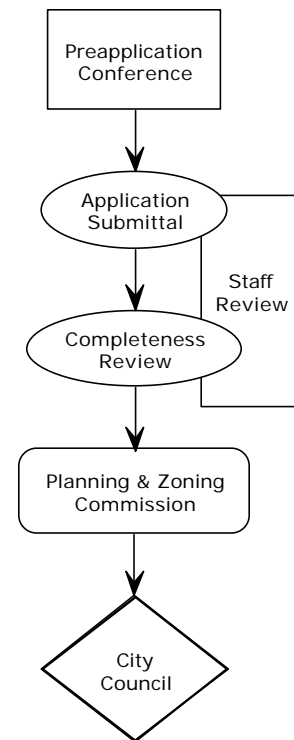
b. Public Hearing

After review of the conditional use application, subject to the criteria enumerated in Section E below, the Planning and Zoning Commission shall hold a Public Hearing and recommend to the City Council such action as the Planning and Zoning Commission deems proper.

4. City Council Action

a. Notice

The City Council shall publish, post, and mail notice in accordance with Section 3.1.F, Required Public Notice.



b. Public Hearing

The City Council shall hold a Public Hearing after review of the conditional use application, subject to the criteria enumerated in Section E below. With consideration of the recommendation provided by the Planning and Zoning Commission, the City Council shall approve, approve with modifications or conditions, or disapprove the conditional use application.

E. Conditional Use Review Criteria

The City Council may approve an application for a conditional use where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The City Council shall consider the following criteria in its review:

1. Purpose and Intent of UDO

The proposed use shall meet the purpose and intent of this UDO and the use shall meet all the minimum standards established in this UDO for this type of use.

2. Consistency with Comprehensive Plan

The proposed use shall be consistent with the development policies and goals and objectives as embodied in the Comprehensive Plan for development of the City.

3. Compatibility with Surrounding Area

The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

4. Harmonious with Character of Surrounding Area

The proposed site plan and circulation plan shall be harmonious with the character of the surrounding area.

5. Infrastructure Impacts Minimized

The proposed use shall not negatively impact existing uses in the area or in the City through impacts on public infrastructure such as roads, parking facilities, electrical, or water and sewer systems, or on public services such as police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services.

6. Effect on Environment

The proposed use shall not negatively impact existing uses in the area or in the City.

F. Additional Conditions

The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this UDO and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, utilities, drainage facilities, sidewalks, and screening.

G. Expiration of Approval

1. Conditional Uses are granted for a period of 12 months from the date of approval by the City Council. If construction of the project has not commenced within this period, the Conditional Use shall expire.
2. The Administrator may extend the Conditional Use Permit for up to one additional six-month period upon demonstration of substantial progress and the lack of changed or changing conditions in the area and upon written request from the applicant, which must be received before the date of expiration.

3.14 Written Interpretation

A. Applicability

The Administrator shall have authority to make all written interpretations concerning the provisions of this UDO.

B. Request for Interpretation

A request for interpretation shall be submitted to the Administrator in a form established by the Administrator and made available to the public. Such request shall only be made during development review or when a code enforcement requirement is in question.

C. Interpretation by Administrator

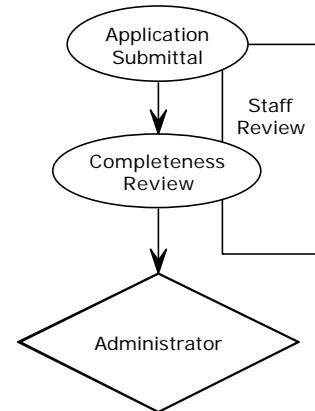
1. The Administrator shall:
 - a. Review and evaluate the request in light of the text of this UDO, the Official Zoning Map, the Comprehensive Plan, and any other relevant information;
 - b. Consult with other staff, as necessary; and
 - c. Render an opinion.
2. The interpretation shall be provided to the applicant in writing.

D. Official Record

The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

E. Appeal

Appeals of written interpretations of Sections other than those applying to subdivisions or signs within the City's extraterritorial jurisdiction made by the Administrator shall be filed only by a party affected by the written interpretation with the Zoning Board of Adjustment within 30 days of the decision in accordance with the procedures found in Section 3.17, Administrative Appeals. If no appeal is filed within 30 days, the written interpretation shall be final.



3.15 Administrative Adjustment

A. Purpose

Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses;
2. Harmonious with the public interest; and
3. Consistent with the purposes of this UDO.

B. Applicability

The Administrator shall have the authority to authorize adjustment of up to 10 percent from any numerical zoning standard set forth in Articles 5, 6, or 7 of this UDO. Any adjustment request greater than 10 percent shall be treated as a variance handled by the Zoning Board of Adjustment subject to the requirements of Section 3.16, Variances.

C. Application

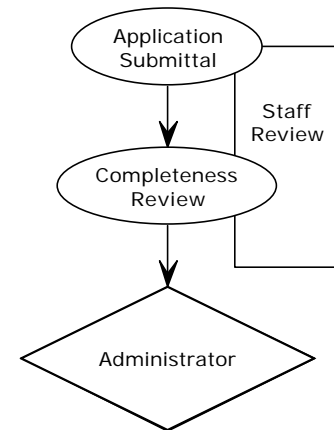
A complete application for an administrative adjustment shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees.

D. Review and Action by Administrator

The Administrator shall review the application and approve, approve with conditions, or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be sent to the applicant.

E. Administrative Adjustment Criteria

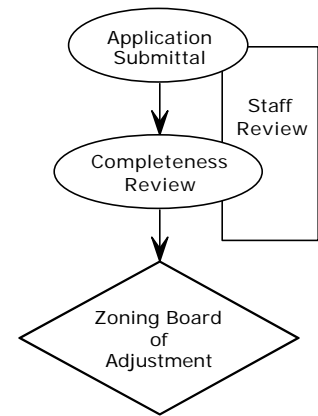
1. To approve an application for an administrative adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
 - a. That granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b. That granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development; and
 - c. That granting the adjustment will be generally consistent with the purposes and intent of this UDO.
2. In the event that the Administrator finds that the applicant has not met the above criteria, the applicant may request that the application be forwarded to the Zoning Board of Adjustment as a variance request subject to the requirements of Section 3.16, Variances.



3.16 Variances

A. Purpose

The Zoning Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this UDO. The Zoning Board of Adjustment shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this UDO would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the City, and that the granting of the variance would preserve the spirit and intent of the Ordinance, and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured and substantial justice done.



B. Applicability

The Zoning Board of Adjustment shall have the authority to grant variances from the standards in this UDO except for waivers of the standards in Article 8, Subdivision Design and Improvements, which may be made by the Planning and Zoning Commission during the subdivision process and requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in Section 3.5.E, Site Plan Review Criteria, which may be made by the Design Review Board. Any variance request up to 10 percent may be treated as an administrative adjustment subject to the requirements of Section 3.15, Administrative Adjustment.

C. Application

A complete application for a variance shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees.

D. Action by the Zoning Board of Adjustment

1. Public Hearing

Following notice in accordance with Section 3.1.F, Required Public Notice, the Zoning Board of Adjustment shall hold a public hearing.

2. Variance Review

Upon completion of the public hearing and after review of the variance application subject to the criteria listed in Section E below, the Zoning Board of Adjustment shall make a written finding and give its approval, approval with limitations, or disapproval of the variance.

E. Criteria for Approval of Variances

1. Required Findings

The Zoning Board of Adjustment may authorize a variance from the requirements of this UDO when an unnecessary hardship would result from the strict enforcement of this UDO. In granting a variance, the Zoning Board of Adjustment shall prescribe only limitations that it deems not prejudicial to the public interest. In making the required findings, the Zoning Board of Adjustment shall take into account the nature of the

proposed use of the land involved, the existing use of land in the vicinity, the possibility that a nuisance will be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board makes affirmative findings in regard to all of the following criteria:

a. Extraordinary Conditions

That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this UDO will deprive the applicant of the reasonable use of his land. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.

b. Enjoyment of a Substantial Property Right

That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

c. Substantial detriment

That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this UDO.

d. Subdivision

That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this UDO.

e. Flood Hazard Protection

That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.

f. Other Property

That these conditions do not generally apply to other property in the vicinity.

g. Hardships

That the hardship is not the result of the applicant's own actions.

h. Comprehensive Plan

That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.

i. Utilization

That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

2. Limitations

The Zoning Board of Adjustment may not grant a variance where the effect would be any of the following:

- a.** To allow the establishment of a use not otherwise permitted in the applicable zoning district;
- b.** To increase the density of a use, above that permitted by the applicable district;

- c. To extend physically a nonconforming use of land; or
- d. To change the zoning district boundaries shown on the Official Zoning Map.

3. Profitability Not to Be Considered

The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

3.17 Administrative Appeals

A. Applicability

Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved by, or any officer or department affected by, specific points found in any of the following final decisions of the Administrator:

1. Written interpretations of the text of this UDO; or
2. Denial of building permit or site plan based on interpretation of Article 7, General Development Standards.

B. Effect of Appeal

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

C. Deadline for Submission of Application

An appeal from any final decision of the Administrator shall be filed with the Administrator within 30 days of receipt of the decision. If no appeal is filed within 30 days, the decision shall be final.

D. Application

A complete application for an administrative appeal shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees.

E. Record of Administrative Decision

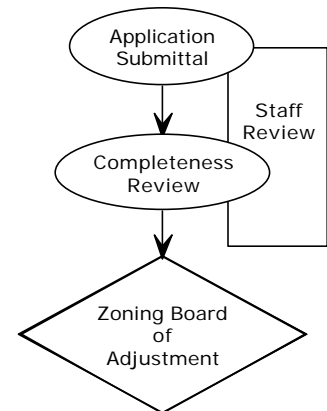
The Administrator shall forthwith transmit to the Zoning Board of Adjustment all the papers constituting the record of the action appealed.

F. Hearing

The Zoning Board of Adjustment shall hear the appeal within 60 days of the date of the appeal application or such extension as requested by the applicant or Administrator, give public notice as set forth in Section 3.1.F, Required Public Notice, as well as due notice to the parties in interest, and decide the same within a reasonable time.

G. Final Action by Zoning Board of Adjustment

The Zoning Board of Adjustment may only consider the specific interpretive language of the Administrator and may reverse or affirm wholly or partly, or may modify the interpretation appealed from. In any case, the Board shall only present findings regarding specific errors made in the Administrator's interpretation.



3.18 Text Amendment

A. Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the text of this UDO may be altered from time-to-time.

B. Initiation of Amendments

An amendment to the text of this UDO may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission; or
3. The Administrator.

C. Approval Process

1. Review and Report by Administrator

The Administrator shall review the proposed text amendment in light of the Comprehensive Plan and give a report to the Planning and Zoning Commission.

2. Referral To Planning and Zoning Commission

The Administrator shall refer the same to the Planning and Zoning Commission for study, hearing, and report. The Planning and Zoning Commission may direct staff to proceed with drafting the amendment and scheduling the necessary public hearings, forward the proposed text amendment to City Council for direction, or determine not to pursue the proposed amendment. The City Council may not enact the proposed text amendment until the Planning and Zoning Commission makes its report to the City Council.

3. Recommendation by Planning and Zoning Commission

a. Notice

The Administrator shall publish and post public notice in accordance with Section 3.1.F, Required Public Notice, and shall recommend to the City Council such action as the Commission deems proper.

b. Public Hearing

A public hearing shall be held by the Planning and Zoning Commission before making a recommendation to the City Council.

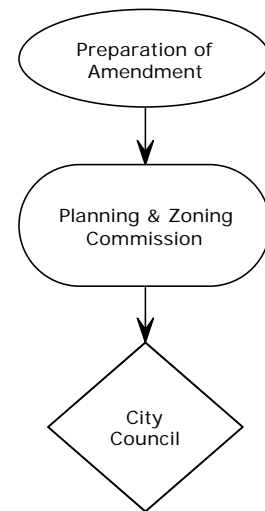
4. City Council Action

a. Notice

The Administrator shall publish and post notices in accordance with Section 3.1.F, Required Public Notice, before taking final action on the amendment.

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the text amendment.



3.19 Comprehensive Plan Amendment

A. Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Comprehensive Plan, including specifically, the Land Use Plan and the Thoroughfare Plan, shall be amended only based upon changed or changing conditions in a particular area or in the City.

B. Initiation of Amendment

An amendment may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application

A complete application for a Comprehensive Plan amendment shall be submitted to the Administrator as set forth in Section 3.1.C, Application Forms and Fees.

D. Approval Process

1. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and conditions in the City, and give a report to the Commission and Council.

2. Recommendation by Planning and Zoning Commission

a. Notice

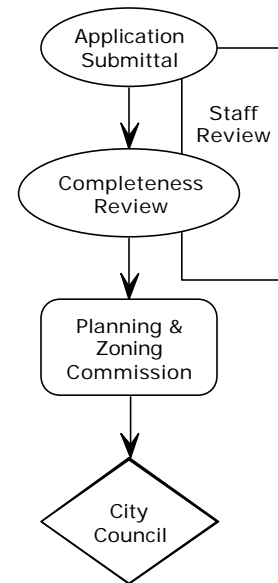
The Planning and Zoning Commission shall publish and post public notice in accordance with Section 3.1.F, Required Public Notice, and shall recommend to the City Council such action as the Commission deems proper.

b. Public Hearing

A public hearing shall be held by the Planning and Zoning Commission before making a report to the City Council.

c. Review and Action by Planning and Zoning Commission

The Planning and Zoning Commission shall review the amendment and approve, approve with conditions, deny, or determine that the proposed development complies with the Comprehensive Plan and no amendment is required. If the Commission determines that no amendment is required, the applicant may proceed with the next step in the development process. No further action by the City Council is required.



3. City Council Action

a. Notice

The City Council shall publish and post public notice in accordance with Section 3.1.F, Required Public Notice, before taking final action on a petition to amend the Comprehensive Plan.

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan.

c. Review and Final Action by City Council

The City Council shall review the amendment and approve, approve with conditions, or deny the application.

E. Limitation on Reapplication

If a petition for a plan amendment is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of 180 days from the date of denial, unless the Planning and Zoning Commission finds that one of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities or intensities); or
4. The final decision on the application was based on a material mistake of fact.